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### Considered Judgements

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# Considered Judgements: Meaning, Community and Tradition

Anton Vedder

## 1. Introduction

The method of reflective equilibrium (RE) – and, subsequently, the method of wide reflective equilibrium (WRE) – has been advocated as a device for theory acceptance in ethics, the justification of moral beliefs and testing the adequacy of conceptions of morality and of moral conceptions, respectively.<sup>1</sup> In this article, I shall primarily address the application of (W)RE to the question of the adequacy of moral conceptions. Nevertheless, the views which I shall put forward also have important consequences for the application of (W)RE to matters of moral justification and the testing of moral theories and conceptions of morality. My main interest in all this will be with the role played by considered judgements or intuitions, as some authors prefer to call them, in (W)RE when applied to questions of conceptualisation.

John Rawls (1971, 47-48) takes considered judgements to be judgements ‘rendered under conditions favorable to the exercise of the sense of justice, and therefore in circumstances where the more common excuses and explanations for making a mistake do not obtain [...]’, while the person making the judgement is presumed ‘to have the ability, the opportunity, and the desire to reach a correct decision [...]’. These are often quoted – and criticised – requirements. The controversy mainly relates to the vagueness of these requirements. Rawls nowhere explains what circumstances exactly give rise to excuses and explanations for mistakes, nor does he state what it is to have a desire to reach a correct decision. However, the formulas, because of their moralistic ring, are highly suggestive. According to the requirement to exclude situations in which excuses and explanations for mistakes obtain, the person must probably be unaffected by hallucinations, sub- and superliminal manipulation, severe suffering, time limitations, sensory handicaps, mental illness, distracting disturbances and stupidity in general. According to the requirement of the pursuit of a correct decision, the person must also have the will or the intention to become or remain unaffected by such misfortunes. With respect to the latter condition, it is difficult to understand what else Rawls may have meant by desiring to reach the correct decision, where the content of the correct decision cannot already be known to the person desiring to reach it. Apparently, the simple absence of the distortive conditions is not enough. In a rather Kantian vein, Rawls wants us to believe that persons should *want* them to be absent, as well: they should long for truth.

However this may be, let us, as so many do, assume that according to these requirements considered judgements are not arbitrary, ill-considered or made under any kind of duress.<sup>2</sup> And let us, with others such as Aronovitch (1996), assume that these judgements are a kind of pre-theoretical intuitions which may be about particular cases or more general ideas. Then, a question comes to mind which has received far less attention, i.e., *whose* considered judgement are we talking about?

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<sup>1</sup> See, for instance, respectively: Daniels (1979), Heeger (1992b), Nielsen (1982a) and Swanton (1991).

<sup>2</sup> The formulation is Nielsen’s (1982a).

This question, of course, should be placed in the broader context of the question of which arrangement of principles, background theories and considered judgements exactly is being described when we say that a reflective equilibrium is reached. Are we primarily talking of (W)RE as a *psychological* category, i.e., as something which can exist in one specific person's mind or in the minds of a group of specific persons? Or are we talking predominantly of (W)RE as an *epistemological* category, i.e., as something which is rather an ideal dimension of an arrangement of propositions? Although, to my mind, no one has ever clearly and explicitly defended the psychological perspective, there is nevertheless a certain tendency among important proponents of (W)RE to think of them as psychological categories. It is astonishing to find how little effort has been made even by Rawls and Daniels to avoid an empirically or factually fashioned way of describing (W)RE. They present to us persons who reason under favourable circumstances, who have an urge for correctness and who 'go back and forth, pruning and adjusting' principles, reasons, conceptions, intuitions and theories. Nowhere are we admonished to think of them and their activities as just hypothetical arrangements or, rather, as normative proposals. It should come as no surprise, then, that, for instance, Kai Nielsen and others have advocated (W)RE as a method of reaching consensus, which is a matter of factual psychological convergence rather than a matter of justification or even truth.<sup>3</sup>

The problem with this matter-of-fact way of talking about (W)RE is that it endorses well-known criticisms of (W)RE holding that these methods are not much more than ways of bringing the elements of an individual's or a group of individuals' moral thought into (a kind of) coherence, scarcely excluding or adjusting extremely subjective views or prejudice. The latter are not avoided by the requirements *vis-à-vis* considered judgements stated earlier on. A judgement may be completely subjective and even turn out to be a prejudice by some criteria, but need not at the same time be ill-considered or arbitrary. If, as the factual way of talking about (W)RE suggests, the input qua considered judgements in a piece of (W)RE reasoning comes mainly from a specific individual or a specific group of individuals here and now, then the critical force against subjectivism and prejudice must come from the elements which may be expected to be less affected by strictly personal preferences, e.g. principles and background theories. But, then again: what exactly permits us to cherish the hope that an individual's or a group's principles and theories *are* unaffected, and, in the famous process of adjusting and pruning required by the methods of (W)RE, *will remain* unaffected by subjectivism and moral bigotry? For, as is so often stressed by proponents of (W)RE, the emendation process of (W)RE works back and forth, not necessarily only changing and adapting the considered judgements. Emphasising the *hic et nunc* character of (W)RE certainly will not do to enhance confidence in this respect.

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<sup>3</sup> Note that Nielsen (1982a) talks of consensus as a result of applying the method of WRE, whereas Rawls (1971, 580-581) had already pointed to some common starting points as a necessary preliminary for making the application of RE work.

In an attempt to amend the inherent liability to subjectivism, Nielsen (1982b) suggested to let judgements actually agreed upon within a community take the place of considered judgements. However, Christine Swanton pointed out that regarding questions of conceptualisation, where so-called contested concepts of morality are concerned, not much help is to be expected from judgements on which individuals *explicitly* agree: controversy abides even over paradigm cases. Instead, Swanton (1991) suggested to use, what Aristotle called ‘endoxa’.<sup>4</sup> Endoxa can be characterised as the judgements and conceptions of the many and the wise, expressed in pieces of common knowledge and statements by writers, scientists, theorists, etc., not necessarily only contemporary but historical as well. These are - I think - about the same pieces of common knowledge and statements which Nielsen (19\*\*\*, 317) called ‘considered judgements given in the traditions which are part of our culture’.

Neither of the authors seems to think that these judgements introduce a kind of objective normative basis to (W)RE that would run counter to the alleged anti-foundationalist character of the method. This contention is true when the idea of an objective normative basis is interpreted very narrowly. Including endoxa or the conceptions and statements from a tradition as considered judgements in (W)RE will only be likely to reduce the possibilities of subjectivism, because some contingent limitations of actual individuals or groups of individuals are transcended. However, if (W)RE were related to a view or theory of moral language and morality, which I shall provisionally call a functional-contextual approach, then (W)RE would be vested with an additional justificatory force. This would enhance its possibilities to be defended against allegations concerning its subjectivist taint. Let me elaborate this point in the next sections.

## 2. The meaning of complex notions

There is a way of looking at morality and language which suggests that we should assign a certain authority to shared experience and knowledge in communities and traditions. It is a view in which the rigid distinction between the moral and the non-moral, which is so typical of modern philosophy, is approached with scepticism, and in which moral and linguistic intuitions seem to coincide or, at least, to intertwine. In order to explain this, I have to elaborate at some length on the meaning of complex notions and some claims of the later Wittgenstein and Julius Kovesi.

How are we able to understand complex notions like ‘individual freedom’? Notions like this are concepts which have both a normative and a descriptive meaning. Mostly in combinations with expressions like ‘respect for’, ‘restrictions on’, etc., they are first of all used in a normative way. Thus, they can be used to advocate or recommend a conceivable state of affairs as well as to make clear that an actual or conceivable state of affairs does or does not conform to this recommended conceivable state of affairs. In both ways the notion also has a descriptive meaning in that it is used to describe an actual state of affairs or a conceivable state of affairs.

Now, how are we able to understand words like this? How can we know their specific content? More specifically: what exactly is needed to know how a notion like this can be applied correctly to particular states of affairs and not to others?

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See also: Aristotle, *Nicomachean Ethics* VII, 1, 5, 1145b1 ff., Nussbaum (1986, 240-263).

In replying to this question, one may feel tempted to define the meaning of a word on the basis of its descriptive meaning in terms of the resemblances or similarities of the phenomena to which the notion may be applied. However, in the case of a complex notion like freedom – but the same holds true for more down-to-earth notions like ‘table’, etc. – the relevant resemblances and similarities are not easily found, nor are they easily stated. This is so because these notions refer to supervenient properties, properties which for their occurrence in actual situations ultimately depend on the occurrence of different phenomena in compositions or compounds which can vary from situation to situation and from context to context. Because of this, definitions of such notions in terms of similarities tend to be too general. A striking example of this deficiency is the definition of individual freedom, proposed by MacCallum (1967), as a relationship between three elements, viz., (a) a person (b) the absence of restrictive conditions and (c) actions, conditions of character or states of affairs. The problem of this definition is that it does not specify the kind or kinds of relationship which should be present for freedom to occur, where this is exactly what we want to know. In this respect the definition is too general. Nevertheless, even this definition is, at the same time, still too specific. It overlooks the possibility, pointed out by Isaiah Berlin, of freedom occurring in the binary relationship of a person and the absence of restrictive conditions, without it being the case that this person has the intention of performing any action or bringing about a condition of character or state of affairs.<sup>5</sup>

One can adjust the deficiencies of definitions like these in part by invoking Wittgenstein’s idea of ‘Familienähnlichkeiten’ or ‘family resemblances’. According to Wittgenstein (1967, 32, remarks 66-67), when we look for the unifying element of the phenomena to which a notion can be applied correctly, we often will not find one particular similarity or one specified group of similarities. Instead, we will find an unspecified group of resembling characteristics and relationships. Wittgenstein compares this kind of similarities and typically intransitive relationships with the kind of resemblances in appearance and character existing between the members of a family.

Wittgenstein’s approach clarifies our understanding of the ways in which we use our notions by no longer explaining conceptual unity on the basis of one unique characteristic or well-defined group of characteristics shared by different phenomena, but on the basis of a set of resemblances and relationships not necessarily shared by all phenomena. In this way, he extends the possibilities of correctly applying the notions and shows the enormous complexity of the ways in which completely different and, at first sight, even opposing phenomena may be brought together under one term without rendering it ambiguous. Nevertheless, Wittgenstein (1967, 34-36, remarks 71, 77) seems to have taken a pessimistic attitude toward the possibilities of explicating the conceptual unity of complex notions in such a way that it would become a little clearer which resemblances and relationships would allow us to correctly apply a notion to a phenomenon. For him, the notions remain concepts with blurred edges. And only

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<sup>5</sup> Berlin’s critique, cited in Swanton (1992, viii-ix). For a thorough critical, though constructive, review of philosophical contributions on the subject of freedom during the last decades, see Swanton (1992).

by giving illustrative examples of the ways in which we may apply them can we hope to clarify the rules for their correct application.<sup>6</sup>

Perhaps Wittgenstein's pessimism can be partially explained by a latent tendency to think of family resemblances as the constituents of the unity of the various applications of a notion. The possibility that things are in fact the other way around – family resemblances themselves being a result of this unity – seems to have escaped his attention. However, when we seriously ask why the occurrence of certain phenomena, and not others, in certain arrangements, and not in others, in certain contexts, and not in others, must be present in order to apply a term correctly, then this question can be answered more satisfactorily than by giving examples of the ways in which the notion is applied and by pointing to certain similarities and relationships between the phenomena to which it is applied. For, although giving such examples may give some vague idea of the general rules for correct application, we will still remain in doubt as to whether the resemblances and relationships hinted at are essential or typical for this notion, or not. The similarities or relationships may be coincident, having little to do with conditions allowing us to use the notion.

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<sup>6</sup> Wittgenstein's pessimism in a sense is shared by Austin (1979, 180) in his views on so-called 'defeasibility notions': complex notions, the meaning of which can only be found by investigating occasions and situations in which we think that the notion certainly *cannot* be applied.

Evidently, then, there is something else which predominantly determines the conceptual unity of notions and restricts the kinds of resemblances and relationships allowing us to gather different phenomena under one notion. Wittgenstein (1967, 10, 20, remarks 20, 43) hints at this unifying factor by identifying the meaning of words with the ways in which they are used in language. Now, identifying the meaning of words with their use seems not much of a help for illuminating the rules for the application of notions. What we seek to find are directives for the correct use of words. For Wittgenstein (1967, 8, 11, remarks 19, 23; 88 remark 241), however, language is not an amalgam of personal and arbitrary instruments for communication. He characterises language as a form of life. The meanings of words are not based on personal convictions and choices, nor are they the result of agreements between persons or groups. Wittgenstein implicitly suggests that language, including the meaning and use of words, is based on conventions. This suggestion should not be taken as necessarily implying conservatism. Wittgenstein nowhere gives the impression of considering language as a congealed, solid set of words and meanings in which the rules for the correct use of notions lay statically as sediments of the times before ours, nor does his suggestion necessarily imply that language and meaning are the results of an arbitrary historical process. Rather, he seems to maintain a certain aloofness to questions concerning the reasons for our linguistic conventions' being as they are, because their sense or nonsense must in turn be judged and formulated *within* that same language, which is our form of life.<sup>7</sup>

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Although Wittgenstein (1967, 174) thinks that certain phenomena, such as hoping and promising, are only possible through language, he nevertheless supposes that there is a reality outside language (1967, 230) and that non-linguistic, or rather pre-linguistic, thinking is possible (1967, 106-110, remarks 327-340); talking about the latter, however, would make very little sense, according to him.

Wittgenstein, because of his self-imposed reserve, did not, at least not explicitly, go much further in clarifying meaning in terms of use. I think that this, however, is exactly the point where Kovesi's theory of meaning should be invoked as an implementation. Kovesi (1967) is of the opinion that the meaning or use of *notions* (or, for that matter, the conventions related to this use) in turn depends on the functionality of the phenomena, or constellations of phenomena, to which these notions refer.<sup>8</sup> Using the classical Aristotelic terminology, Kovesi (1967, 3, 15, 61-62) claims that with respect to the meaning of complex notions, a distinction should be made between a material and a formal element. The material element is the whole range of the particular identifiable properties, respects and contexts of the phenomena to which the notion may point. The formal element is that which determines which properties (in which respects, in which contexts) may belong to the material element of the notion. The formal element in fact reflects the *point* of the notion. It states the reason why we can apply the notion correctly to phenomena, exhibiting certain properties, in certain contexts, in certain respects. This reason lies in the function of the phenomena to which the notion can be applied. We can find it by meticulously uncovering the purposes for which we need, are interested in or value those phenomena.<sup>9</sup>

When proposing his distinction between the formal and the material element of the meaning of a notion, Kovesi was mainly interested in bringing about an adjustment in the discussion among philosophers about the difference between moral and non-moral notions. This difference, according to him, is often confused with the difference between descriptive and evaluative terms. In Kovesi's view descriptive terms are as evaluative as moral ones are, and, conversely, moral notions are as descriptive as others are. The difference between moral and non-moral notions, however, lies in the different kinds of functions which make up the formal element of these different kinds of notions. According to Kovesi (1967, 12-13, 63), the different kinds of functions are symptomatic of a different point of view. To this claim, I will return.

### 3. Adjusting and refining the Kovesian view

Although Kovesi's explanation for the conceptual unity of complex notions is more plausible than explanations in terms of similarities or family resemblances taken on their own, his views should be adjusted and refined in some important respects. First of all, it should be noted that, of course, resemblances and family resemblances as such do play a role in the development of our knowledge of the meaning of words. Doubtlessly, in practice, when we have to explain notions or when we have to find out whether a notion can be applied, we will look for resemblances and relationships without much further ado. These resemblances and relationships, however, can also account for many errors. And it is exactly when the need for correction is felt or when we are confronted with hitherto unknown situations that we must invoke reflection on the formal element or point of the notion.

Again, this process of discovery of the point of a notion in the purpose of the phenomena to

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<sup>8</sup> For a critical discussion of Kovesi's main ideas as well as a reply to these criticisms, see Graham (1975) and Shiner and Bickenbach (1976).

<sup>9</sup> The pair of material element and formal element should not simply be equated with the pair of extension and intension of a notion, because the formal element always includes a description of the functionality of the *phenomena* to which the notion refers, whereas the intension of a term does not necessarily do so.



which the notion refers, does not start from scratch. When Kovesi proposes that, in order to find the point of a notion, we look for the purpose of the phenomena, he seems to contradict himself. One might reasonably ask: what kind of phenomena should we be looking for? Is not that exactly one of the questions we would like to have answered when looking for the point of the notion? In other words, it seems as though the Kovesian explanation begs the question. In order to know what the notion means we should know what it means.

I do not at all think that the Kovesian explanation in the end is self-defeating. In a way, yes, in order to know what a certain notion means, we already need to have at least some idea of it. In looking for meaning, we do not come empty-handed like complete strangers speaking an entirely different language. When we look for the point of a notion, we, as it were, plunge into the midst of things, on the basis of some part of meaning of the term, which we already know. From here we go on, on the basis of some resemblances, relationships and partially uncovered functionalities, until we have adjusted and improved, for the time being satisfactorily, our knowledge.

This brings me to a further respect in which the Kovesian explanation could be refined. Because of the distinction between the function of words and the function of phenomena to which these words point, the explanation – as well as the ways in which Kovesi himself applies it to particular notions – not only suggests that there is a gap between language and reality, but also that there is somehow an easy way of bridging this gap. In this, he seems to be unconscious of the fact that this assignment of functions to phenomena again is something of language or, for that matter, of the knowledge and beliefs that are possible through language. The formal element of a meaning must not only be stated in language or its notions, but also be understood as part of a larger network of such notions. The question whether it is this net or framework of knowledge and beliefs or rather something that transcends it, which ultimately constitutes the function of notions, should only be answered with great reserve within that language. Here, I will follow Wittgenstein's example and not try to answer it.

A third way in which the Kovesian model might be improved is to allow notions to have more than one point. With this I do not only suggest a way of explaining equivocality or ambiguity of notions. What I have in mind, specifically, is something which can be explained best by the example of the notion of individual freedom.

#### **4. Freedom, for example**

**Christine Swanton (1992) – to my mind in part correctly – stipulates the formal element of individual freedom as the optimal functioning of the human individual's potential in practical activity, that is to say: the forming of desires and wants, deliberation, the formation of practical judgement and intentions, and the execution of intentions through actions. Swanton further adds in a Kovesian vein – and to my mind again correctly – that this good functioning should be thought of as a multidimensional, formal property, the material conditions of which can vary from context to context. She suggests, heavily leaning on Austin's concept of defeasibility notions, that the idea of the optimal functioning of this individual practical potential somehow has evolved from experiencing all kinds of flaws and limitations, both from within and from without, relating to (parts of) the process of agency, as well as to the (availability, eligibility and significance of the) varying objects of (parts of) that process. Now, I think that all this may perfectly well be the case. Nevertheless, some features of the notion of freedom can be better explained if we allow there to be at least two other points in the formal element**

of the notion of individual freedom, namely: the purposes of establishing authenticity of preferences and moral responsibility. The features of the notion of freedom, which they explain best, are concerned with the significance that must be assigned to specific restrictions on freedom.

Swanton somehow seems to confuse the significance of restrictions on freedom with the relevance of the significance of options to freedom as such. In Swanton's view, the significance of restrictions on freedom is ultimately a completely subjective matter, depending on the affected individual's preferences and attitudes concerning his own freedom.<sup>10</sup> This need not be true, even if the optimal functioning of the individual's practical potential were the whole story of the point of freedom. For even then we might say that the affected individual's preferences and attitudes are not the only or necessary measure for the significance of restrictions. One might, for instance, also try to use the idea of optimal functioning of an individual's practical potential as such as a measure, and for instance state the significance of restrictions in terms of the consequences they have for this optimal functioning as a whole. However that may be, we mostly do not assess the significance of restrictions on freedom in terms of the involved individuals' subjective preferences concerning their freedom, nor do we invoke straightaway the construction of optimal functioning of the individual's practical potential. What we do most often, when we say something concerning the significance of restrictions, is in fact even more complicated.

Let me explain this by first saying something about the situations or contexts in which we are mostly or typically interested in the significance of restrictions on freedom. These are mainly situations of two types. The first is the kind of situation in which we want to know whether an individual's preferences and desires are truly his. We are concerned about the authenticity of his preferences and attitudes because we are afraid that this individual by expressing his preferences or by acting upon them might harm himself, or bring about something which in some respect is suboptimal for himself in comparison with what he might bring about if he were to do nothing or something else. The second type is one in which we want to know whether we can hold an individual responsible for what he has done. We want to know whether we can hold him responsible because we want to be just and fair in our distribution of reward and punishment. In both types of situations we will ask whether the individuals in question were *sufficiently* free as to their preferences, attitudes and actions. Or, to put it differently, we want to know whether the restrictions on freedom possibly present were so significant that they allow us to think of an individual's preferences as not truly his, or to think of an individual as not actually responsible for what he did.

The significance of restrictions, which is the object of our interest then, is a significance measured against a background of conditions of normality, expectancy and propriety.<sup>11</sup> We apply such standards of normality specifically to situations in which we suspect there to be restrictions on the range of available options, on the eligibility of those available options and on the individual's perception of the significance of those options. (And here once again, I must warn that significance of options is not the same

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<sup>10</sup> This is a simplification of her view. From the complicated ways in which she expresses herself, it is clear that Swanton (1992, 162-190) is wrestling with the problem, and allows of other solutions.

<sup>11</sup> Cf. Vedder (1995, 57, 63, 67-69, 81), Feinberg (1986, 115, 118-122) and Benn, (1988, 132, 136).

as significance of restrictions on freedom.) What we try to establish is not whether there were any restrictions as to these aspects or dimensions of the freedom of the individual involved *tout court*. We try to assess whether there were restrictions surpassing the restrictions that we would normally expect there to be in the total setting of the situation and in the individual involved. It is difficult to state the details of these standards, but if they were to be spelled out, they would certainly include norms concerning normal physical, biological and meteorological circumstances, as well as normal psychological and social behaviour of persons involved (including the agent's own) and even the normal functioning of social institutions. On the basis of these we decide whether restrictions are relevant and significant enough, in order to think of a person's preferences as genuinely his own, or to hold him responsible or not responsible. And, even more interestingly, as long as the restrictions present do not in fact deviate from standards of normality, we have a tendency not to think or talk of them in terms of restrictions on freedom at all, notwithstanding the possibly imperfect functioning of the individual's practical potential or the individual's attitudes towards his limitations. Mostly, therefore, we evaluate and describe situations in terms of freedom when we are motivated by the purposes of establishing authenticity and responsibility. Only occasionally, and perhaps most of all in the context of philosophical exercises, are we motivated by further purposes (which exercises, however, need not necessarily be senseless).

## 5. A functional-contextual approach

**I have shown how, in the case of a notion such as individual freedom, it may be enlightening to accept the possibility of having more than one point to a notion. This feature of having more than one point does not render the notion ambiguous. It only explains how the notion can be used in ways which do not exclude each other but largely overlap. This overlap may, in its turn, be explained by connections between the points in question, such as good functioning of the individual's practical potential, authenticity of preferences and attitudes and moral responsibility, in the case of individual freedom. To this phenomenon, however, I will return later on.**

To take up the thread of adjusting the Kovesian model of explanation again: I think that investigating the linguistic descriptions of the formal elements of complex notions in general can endorse the plausibility of the Kovesian model. Particularly, investigating the ways in which one may try to complete these descriptions contributes to our understanding of the organisation of knowledge, and moral knowledge in particular.

As Kovesi himself already suggests implicitly, descriptions of the formal element will always be only partial descriptions.<sup>12</sup> Nevertheless, they can be complemented - be it not perfectly completed. The ways in which this completion will proceed reveals some remarkable features of complex notions. For the sake of convenience, I will focus again on notions commonly used in the field of morality.

In describing the formal element of a complex notion, one has to use complex notions again which, in turn, for the sake of completion stand in need of clarification of their formal element, for which one must again use complex notions, etc., etc. One may call these different stages at which further formal elements must be explained in order to explain the formal element of the notion with which one began, the different levels of description. Perusing all conceivable levels of description of a formal element of a notion would be practically impossible for a human being. Nevertheless, one can go on for quite a number of levels.

Even in an incomplete description, at some level it will be necessary to invoke notions which do not, or at least not clearly, belong to the same category as the notion with which one started. When, for instance, we try to complete the description of the formal element of the notion of individual freedom (a value word, that is) by invoking the notions of 'authenticity of preferences', 'moral responsibility', 'good functioning of the individual's practical potential', etc. (Vedder 1995, 70-103) and, at some other level, notions like action, will, person, individuality, etc., then we go in fact beyond the range of value words. Notions like moral responsibility, action, will, person, etc. cannot be considered to be values, at least not or not exclusively in the same way as we might consider freedom to be a value. These are words which refer to the framework of preconditions for morality as a whole, and in that sense belong to the constituents of morality as such. Furthermore, most of them as to their usage are not exclusively bound to the domain of the moral as it is traditionally conceived of. Conversely, it may very well be the case that in explaining notions which are not considered to be strictly moral notions, sooner or later one will have to seek recourse with what traditionally are called strictly moral notions or value notions. The fact that moral and non-moral notions play a part in each other's formal element suggests that the distinction between these categories is only a superficial one. If one descends to deeper levels of description of the formal element of these

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<sup>12</sup> Kovesi (1967, 14-15, 17.

notions, the difference evaporates. This phenomenon, to my mind, weakens Kovesi's claim that moral notions and others differ qua point of view. At least things seem to be more complicated than Kovesi suggests.

A second remarkable feature is the phenomenon of apparent self-referral. Again already in descriptions with a limited number of levels it will soon become evident that a description of the formal element of a notion *in a way* presupposes itself. This dependency of the meaning of a notion on other notions and itself can be compared to the position of a thread in a spider's web. The thread can only stay in its position through its connection with other threads, which in turn can only stay in their position and hold the first thread in its position through their connection with other threads, among which, of course, is the first thread. In this way, the thread depends upon others as well as itself in order to hold its position.

When we, for instance, describe the formal element of the notion of individual freedom in terms of 'authenticity of preferences', 'moral responsibility' and 'flourishing of the individual's practical potential', 'person', 'individuality' and 'action', then the description of the formal element of these notions at some stage of the description, and perhaps even more often and at different levels, requires the description of the formal element of individual freedom. Put differently and by way of example: in order to know what freedom really is, one must, *inter alia*, know what moral responsibility is; in order to know what moral responsibility really is, however, one must *in a sense* know what freedom is.

This does not mean that the description of the formal element necessarily ends up in a vicious circle.<sup>13</sup> In a set of levels of description needed for clarification of the point of one notion, a description of the formal element of a first notion enters at another, different level of the description of the formal element of a second term than the level at which the description of the formal element of that second term enters into the description of the formal element of the first. These differences qua level of description of the formal element slightly modify the perceived meaning of the notions. In this way, each level of description reveals only a certain part of the formal element of the notion. Apparently, the different notions used at one level of description by their combination nuance the perspective from which the point of the term is presented. This implies that in the whole process of the description of the point of a term on different levels there are, in a way, slight shifts in the meaning of the notion. We can, for instance, sensibly describe the formal element of individual freedom partially in terms of responsibility, and responsibility, in turn, partially in terms of freedom, because *within* the process of description, at different levels of description, the meaning of the notion is perceived slightly differently. However, understanding the complete meaning of the notion, i.e., the complete description of the formal element thereof, would include simultaneous perception of all conceivable levels.

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<sup>13</sup> One may think that we are able to avoid circularity by maintaining that the apparent self-referral is in fact only referral to (part of) the material element of the notions. This, to my mind, is not true because for us, in order to understand the material element, we need a formal element which organises the material element of the notion. This condition also applies during the process of description of the formal element.

## 6. Coherence in a web of meaning

To sum up, the meaning of a moral notion can only be understood by grasping its point or points. The point of the notion in turn can only be understood through its connections with other notions, both what we traditionally might call moral notions and non-moral notions. For the reasons stated earlier on, one cannot conclude from this that it is exactly and exclusively this nestling in a whole web of notions, knowledge, beliefs and motivations that gives the notion its point and sense. What one may conclude is that the whole web of notions and knowledge, beliefs and motivations behind them constitutes a coherent system with that notion. Viewed this way, a particular notion may be considered to be one of many focal points of one larger framework comparable to a worldview. The coherence and specific connections within this framework limit the possible applications of the notion. At the same time, the framework seems to hide an unexpected reservoir of possibilities to extend the actual knowledge of meanings of terms with maintenance of coherence.

I will illustrate all this once again with the notion of individual freedom. In doing so, I will first take up again the question of plurality of points and ambiguity which I left unanswered when talking about the three points of freedom earlier on. Next I will say something about the ways in which these points are nestled into something that resembles a worldview.

As I suggested earlier on, I think that the meaning of individual freedom is best explained by reference to three points, which together make up at least a partial description of the formal element of the notion, namely: good or optimal functioning of the individual's practical potential, authenticity of preferences and moral responsibility. Envisaging these 'points' explains how and why we apply the notion of freedom. Now, I think that the good functioning of the individual's freedom is at stake in every situation in which we may apply the notion. But often it is at stake in a somewhat meagre or thin sense. What I mean is that we need this point to describe and evaluate situations in a rather uninteresting way in terms of freedom. In order to make more sense of the notion, literally, as to its more significant usages, one or both of the others must come to the fore. The latter two do not come into play necessarily or simultaneously. Whether they do, depends on whether the perceived circumstances occasion the need to establish authenticity of preferences or moral responsibility.

When there is more than one point to the application of the notion to a situation, then these points do not, to my mind, constitute entirely different meanings of freedom. In cases where they underlie the application of the notion on one and the same occasion, they seem to show us the same phenomena from only slightly different angles. The ways in which they are connected to each other, to my mind, prevents them from constituting entirely different meanings. In the case of the formal element of freedom, ambiguity is avoided because good functioning itself is part of the description of the formal elements of moral responsibility and authenticity of preferences. The remaining slightly different angles from which we view the same phenomena under the one heading of freedom in such cases can be explained by the different other connections that the three points, when taken separately, have to other notions. With authenticity and responsibility, as I have shown, there is another way of interpreting the significance of restrictions on freedom than with the good functioning of practical potential. This difference, however, can in the end be explained by the connection which the former have to other notions such as respect for an individual's conception of the good and fair distribution of appraisal and blame, respectively.

Although these different connections account for the different ways in which we may use the notion of freedom, these differences as such must not be overemphasised. There is unity in

the different uses of freedom, thanks to the fact that the three points of the notion are interconnected through one of them. But there are more and less oblique ways in which these points are interconnected, directly or indirectly through mutual relationships with other notions. For instance, I think that we may safely say that all three of them again are tangled up with a certain conception of the human individual and individuality. This conception of the individual and individuality, in turn, has further connections to, or to put it more accurately: has connections *within*, a larger outlook. In this outlook, the concern for the individual through appreciation of the individual's interpretation of the good and through fair judgement on individual merits and demerits is predominant. It receives expression in many diverging ways ranging from subjectivist views of values to certain principles of privacy, honesty and justice. But the concern for the individual and individuality is not limited to such traditionally moral items. It even pervades the ways in which we preferably explain and describe the phenomena of the world by making us cling to methodic individualism, and causing unease at the thought of attributing causal or even moral responsibilities to collectivities.

I think that, in general, investigating and making explicit the direct and indirect connections between our notions such as those at which I have just hinted can contribute to our understanding of the limits of our outlook (and especially our moral outlook). It may, however, also help us in refining that outlook by producing possibilities of articulating views and claims that are only latently present in that outlook and can only be found by meticulously analysing the internal connections of the notions and the knowledge, beliefs and motivations that go with them. Such an undertaking, however, is not an easy one. Apart from the natural limitations of our knowledge capacities, there are some special difficulties in uncovering the whole network. These complicating factors lie in habit formation and standardisation through practices and theory. Kovesi (1967, 13-14) already seems to have seen that in social practices such as the law and economic activities, the operations of institutions, the practising of professions and in theoretical work, consciously and unconsciously, the functionalities of phenomena are becoming articulated more and more in specific forms. The articulation of meanings of certain notions are consequently standardised. These practical modifications and standardisations influence, of course, our possibilities of uncovering meaning because they restrict – one is tempted to say: at a pre-linguistic level – the ways in which we can conceive of and formulate functionalities of phenomena. Only investigating and trying to make explicit the factors of habit and standardisation, however, offer the opportunities of unveiling hidden parts of meaning and of broadening our knowledge.<sup>14</sup>

## 7. The functional-contextual approach and (W)RE

In this last section, I shall return to the point of departure for this article. I shall explain how (W)RE insofar as it is regarded as a method for justification, may be considered to receive justificatory force from the fact that it explicates a worldview-like web of meaning. Finally, I will touch upon some diverse questions concerning our inability to spell out and understand this framework completely, the hidden treasure of meaning inside it and the ways in which we should conceive of moral autonomy in the light of the public character of this worldview.

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<sup>14</sup> Cf. Vedder (1997) for an example of the ways in which legal and ethical theory have narrowed the meaning of privacy.

(W)RE may be viewed as an instrument for unravelling a web of meaning existing in the tradition of a community. Listing considered judgements about certain controversial notions or phenomena stated by ‘the many and the wise’ from a certain cultural tradition or tradition of thought, and pruning and adjusting these by confronting them with each other and with theories and theoretical conceptions relating to those notions or phenomena – all this can be a fruitful way of exploring and formulating the connections between notions within a public framework of knowledge. Such explorations may be fruitful for various reasons. Not only do they enhance our understanding of ourselves as knowing creatures and moral beings. As I showed in section 6, they may also be profitable for our capacities to articulate and to solve hitherto unknown moral problems. The coherence and specific connections within our framework of knowledge limit the possible applications of the notion. At the same time, however, the framework hides a whole range of possibilities to extend the actual knowledge of meanings of terms while coherence is maintained. This range of possibilities may be systematically uncovered by using the method of (W)RE.

More importantly, however, where (W)RE is used as a method of moral justification or of acceptance of theories or conceptualisations, the ideas about a web of meaning resembling a worldview can provide (W)RE with additional justificatory or persuasive force. As I stated in section 1, including endoxa or the conceptions and statements from a tradition as considered judgements in (W)RE will at least reduce the possibilities of moral subjectivism because the spatiotemporal limitations of the actual individual or groups of individuals are transcended. Now, if these endoxa are understood as expressions of parts of a web of meaning existing in the tradition of a community, then including them as considered judgements in (W)RE will also show and ensure that a conception or practical judgement resulting from a piece of (W)RE reasoning fits with the past and present linguistic intuitions in a community. A set of different judgements and statements taken from a larger community and tradition is more likely to represent these intuitions than judgements of one individual or some group of contemporaneous individuals. Including them because they are considered to be expressions of parts of this larger net of knowledge and intuitions will further reduce the possibilities of linguistic subjectivism.

In addition to this, however, if a certain moral authority were assigned to the shared experience and knowledge in a community and its traditions, stored in such a web of meaning, then including the conceptions and statements from a tradition would provide us with a morally normative basis. Now, it is exactly this functional-contextual conception of morality and moral language which suggests that we should indeed assign such an authority to shared experience and knowledge in communities and traditions. Of course, it is somewhat misleading to say that this view suggests to *assign* authority. In fact, the view in terms of a web claims that this shared experience and knowledge stored in our language cannot but exercise it. It does claim this dominion amongst others by denying the possibility of rigidly distinguishing between the moral and the non-moral (identifying moral and linguistic intuitions) and by its aloofness *vis-à-vis* the extra-lingual world. The possibility of finding and explicating sensibly other sources of such an authority is thereby excluded. The authority is there already, so to speak; it is only to be acknowledged.

Coming to the end of my article, I would like to say just one more thing on the functional-contextual approach, moral controversies and moral autonomy. What I have said so far in order to characterise the functional-contextual approach of moral language and morality does not entail that accepting this approach binds one to believe that all who speak the same language or use the same notions actually are in possession of the same knowledge, beliefs and



motivations. The natural restrictions on human capacities for knowledge leave room for ignorance and error in different degrees and of different kinds in different persons. This opens the possibility of controversy. The part of the meaning of a notion, known to one person, need not be completely the same as the part known to other persons. As long as there is, however, some overlap between them, while they disagree for the rest, they can have a controversy about the meaning of the notion. According to the functional-contextual approach, the possibilities for deviant use and disagreement, however, are restricted as long as the users of the notions want to remain intelligible to others.<sup>15</sup>

In the functional-contextual approach, the same kind of restrictions apply to the possibilities of moral autonomy. In the strict sense, an individual cannot be the creator of values. The individual can get to know values partially, identify with them, and in this way make them his own. Furthermore, he can uncover parts of the meaning of a value, hitherto unknown to him and to others. However, he cannot produce values out of nothing. The connections of moral notions within a public framework of knowledge, beliefs and motivation do not permit this. Conversely, however, these connections and our capacity to explore and formulate them, for instance by applying the method of (W)RE, also offer us the opportunity of solving disagreements and improving our insight when we are confronted with moral problems. A disagreement is not just replaced by explicit agreement or psychological consensus of opinions, but by agreement in language or, to use Wittgensteins words, by agreement in form of life.

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<sup>15</sup> The meaning of a word can be subject to controversies. However, against Gallie (1955-56) I would argue that because of the public character of our language not even moral concepts are *essentially contested*.

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